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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,587	11/12/2003	Hidco Suzuki	393032019710	8984
25224 7590 02/28/2008 MORRISON & FOERSTER, LLP 555 WEST FIFTH STREET SUITE 3500 LOS ANGELES, CA 90013-1024				
EXAMINER				
ZHOU, TING				
ART UNIT		PAPER NUMBER		
2173				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/712,587

Applicant(s)

SUZUKI ET AL.

Examiner

TING ZHOU

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2, 3, 15, 21 and 26-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2, 3, 15, 21 and 26-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date 08/22/07.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application.
- 6) ☐ Other: _____.

DETAILED ACTION

1. The amendment filed on 07 December 2007 have been received and entered. The applicant has cancelled claims 1, 4-14, 16-20 and 22-25. Claims 2-3, 15, 21 and 26-30 as amended are pending in the application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
2. Claims 2-3, 15, 21 and 26-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohomori U.S. Patent 6,477,315 and “Emagic Notator Logic Sequencing Software (Macintosh)” by Jim Aikin (hereinafter “Aikin”).

Referring to claims 2, 15 and 21, Ohomori teaches a method, apparatus and computer-readable storage media comprising the steps of controlling the computer system to display a plurality of layers on a screen of the display (reference character 35 in Figures 7-8 shows the display of a list of different editing layers, or tracks for editing video content) (Ohomori: column 8, line 61-column 9, line 12); in response to a user instruction, attaching an execution icon at a prescribed position onto one of the plurality of layers that is displayed on the screen of the display (users can drag and drop icons

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63A-63Y shown in Figure 9 onto portions of a track, or layer in the list of layers) (Ohomori: column 9, line 44-column 10, line 33); providing an instruction to control at least one of the layers to be subjected to small-scale display and controlling the computer system to perform the small-scale display on the at least one of the layers in response to the instruction (users can select the small-scale display button in between the minimize button “-” and the close button “x” shown in the layers window on the bottom half of the interface of Figure 5 to display the layer window, comprising at least one of the layers in small-scale form). However, although Ohomori teaches a plurality of layers for performance data, Ohomori fails to explicitly teach the layers are assigned to a different type of articulation to be added to a musical tone to be generated based on performance data, and wherein the attached execution icons represents execution-related data for adding, to the musical tone to be generated, a predetermined type of articulation to which the one of the plurality of layers is assigned. Aikin teaches the display of a plurality of layers on a screen of the display (sequencing software with several layers) (Aikin: pages 123-124, 127-128 and Figures 2-3) similar to that of Ohomori. In addition, Aikin further teaches a different type of articulation to be added to a musical tone to be generated based on performance data, wherein the attached execution icons represents execution-related data for adding, to the musical tone to be generated, a predetermined type of articulation to which the one of the plurality of layers is assigned (Aikin: pages 123-124, 127-128 and Figures 2-3). In these cited sections, Aikin describes how a user selects execution icons corresponding to execution-related data representing articulation used in music performance, i.e. pipe organ icon representing how the pipe organ, a musical instrument, performs from a palette of icons and places them on a layer, causing the corresponding

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data to be incorporated into the performance data being edited. For example, a user may select a pipes organ icon, which corresponds to how the performance is to be executed, and is therefore an execution icon. The musical notes are also execution icons pertaining to how music is to be played/executed. Aikin further teaches allowing the execution icon of the layer to move in response to an operation of a user of the computer system (notes and tools can be moved around on the sequences and tracks) (Aikin: page 123-124). It would have been obvious to one of ordinary skill in the art, having the teachings of Ohomori and Aikin before him at the time the invention was made, to modify the plurality of layers and the attachment of icons onto one of the plurality of layers of Ohomori to include the association of icons and layers with data for adding to the musical tone to be generated, a predetermined type of articulation, as taught by Ohomori, in order to obtain an interface wherein each of the plurality of layers is assigned to a different type of articulation to be added to a musical tone to be generated based on the performance data; in response to a user instruction, attaching an execution icon at a prescribed position onto one of the plurality of layers that is displayed on the screen of the display, wherein the attached execution icon represents execution-related data for adding, to the musical tone to be generated, a predetermined type of articulation to which the one of the plurality of layers is assigned. One would have been motivated to make such a combination in order to provide an easy to use interface for editing musical sequences.

Referring to claim 3, Ohomori, as modified, teach restoring the layer from the small-scale display to normal-scale display in response to a mouse operation being effected on a prescribed portion of the layer (once the layers window comprising the layers are displayed in small-scale mode, the button between the minimize button “-” and

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the close button “x” shown in Figure 5 of Ohomori allows the user to redisplay the layer window in its original size).

Referring to claim 26, Ohomori, as modified, teach wherein the plurality of layers are vertically arranged on the display screen (as can be seen from Figure 5 of Ohomori, the plurality of layers are arranged on top of each other vertically).

Referring to claim 27, Ohomori, as modified, teach wherein one or plural execution icons are arranged in the layer in a direction from the left to the right on the display screen in accordance with progress of the performance data (Figure 8 of Ohomori shows icons arranged from left to right on the layers in accordance with progression of the data, i.e. the timed ruler).

Referring to claim 28, Ohomori, as modified, teach wherein each layer is displayed as an execution icon layer corresponding to the execution-related data (as shown in Figure 8 of Ohomori, the layers, or tracks shown in the editing list of tracks has special-effects processing icons attached to them).

Referring to claim 29, Ohomori, as modified, teach wherein the execution icon layer contains at least one of a tempo icon layer, a dynamics icon layer, a joint icon layer, a modulation icon layer, an accent icon layer, an attack icon layer, and a release icon layer (as shown in Figure 3, the displayed layers include a “Modulation” layer) (Aikin: page 123).

Referring to claim 30, Ohomori, as modified, teach wherein when the execution icon attached to the layer is edited, edited content is reflected onto the performance data (the special-effect processing icons can be edited, i.e. moved by the user via a drag and

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drop operation; editing the video clip data according to the dropped location of the icon)

(Ohomori: column 9, line 57-column 10, line 32).

Response to Arguments

3. Applicant's arguments with respect to claims 2-3, 15, 21 and 26-30 have been considered but are moot in view of the new ground(s) of rejection.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ting Zhou whose telephone number is (571) 272-4058. The examiner can normally be reached on Monday - Friday 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow can be reached at (571) 272-7767. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TZ

/Kieu D Vu/
Primary Examiner, Art Unit 2173

Application Number**Application/Control No.**

10/712,587

Examiner

TING ZHOU

**Applicant(s)/Patent under
Reexamination**

SUZUKI ET AL.

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